

REMARKS/ARGUMENTS

Overview of the Office Action

Claims 1, 2, 4-6, 8, 9, and 12 have been rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Ubillos (U.S. Patent No. 5,999,173).

Claims 3 and 10 have been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of the article by Jean-Daniel Nicoud ("Video RAMs: Structure and Applications," 1988).

Claim 7 has been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of Brett (U.S. Patent No. 5,850,471).

Claims 11 has been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of Mowers et al. (U.S. Patent No. 5,101,354).

Status of the Claims/Amendments

Claims 13-20 have been added. Claims 1-20 are pending.

Claims Rejected Under 35 U.S.C. § 102(e)

Claims 1, 2, 4-6, 8, 9, and 12 have been rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Ubillos (U.S. Patent No. 5,999,173). However, in response, Applicants respectfully disagree with the Examiner's conclusion that the invention of Ubillos includes each and every claim limitation present in Claims 1, 2, 4-6, 8, 9, and 12 of the present Application.

The invention of Ubillos is directed to "[a] method and apparatus, in which video clips (and optionally also still image and audio clips) are stored as digital data in a computer memory,

selected clips are displayed in elongated tracks on a display screen, and editing operations are performed on the clips in response to manipulation of displayed cursors and icons to assemble and preview an edited video program” (Ubillos, Abstract, lines 1-7). However, Ubillos nowhere discloses a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system.

In order to anticipate a claimed invention, a prior art reference must teach or suggest each and every element present in the claim. Ubillos does not teach or suggest a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system. In fact, Ubillos includes only the following reference to an operating system: “Microprocessor 31 runs the operating system and applications software that controls the operation of digital video board 30 (and the other system components)” (col. 4, lines 39-41). Nowhere does Ubillos teach or suggest that this “operating system” operates as a host operating system for other, emulated operating systems, and nowhere does Ubillos teach or suggest any utilization of emulated operating systems for virtual machines in any capacity.

In contrast, independent Claim 1 of the present Application, from which Claims 2 and 4-6 depend, discloses “a host operating system suitable for displaying a graphical user interface” and “multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system” (page 16, lines 3-5). Likewise, independent Claim 8, from which Claim 9 depends, discloses “a host operating system suitable for displaying a graphical user interface” and “multiple emulated virtual machines being emulated by one or more emulator

programs running on the host operating system” (page 17, lines 12-14). The invention of Claim 12, on the other hand, pertains to a “host computer system” and “multiple emulated computer systems” (page 19, lines 1-4) which, as disclosed in the Specification, comprise a host operating system and emulated operating systems (page 2, line 27 through page 3, line 11).

Based on the foregoing analysis, Ubillos fails to teach or suggest all the claim elements necessary to anticipate the present invention of Claims 1, 2, 4-6, 8, 9, and 12 under 35 U.S.C. § 102(e). Applicants therefore respectfully request that these rejections be withdrawn and that Claims 1, 2, 4-6, 8, 9, and 12 be allowed to issue. Moreover, Applicants further request that new Claims 17-20, which depend on Claim 12, also be allowed to issue as claims dependent upon an allowable claim.

Claims Rejected Under 35 U.S.C. § 103(a)

In order to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally the prior art reference (or references when combined) must teach or suggest all the claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and cannot be based on applicant's disclosure. (MPEP §§ 2142, 2143.)

Regarding Claims 3 and 10:

Claims 3 and 10 have been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of the article by Jean-Daniel Nicoud (“Video RAMs: Structure and Applications,” 1988) (hereinafter, “Nicoud”).

In regard to the third criteria (that the prior art references or combination of references must teach or suggest all the claim elements), Applicants respectfully submit that nowhere does Ubillos or Nicoud, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system. In contrast, Claim 3, which depend upon Claim 1 discussed earlier herein, inherits from Claim 1 “a host operating system suitable for displaying a graphical user interface” and “multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system” (page 16, lines 3-5). Likewise, Claim 10, which depends on Claim 8 as discussed earlier herein, inherits from Claim 8 “a host operating system suitable for displaying a graphical user interface” and “multiple emulated virtual machines being emulated by one or more emulator programs running on the host operating system” (page 17, lines 12-14).

Since neither Ubillos nor Nicoud, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system—and thus fail to teach or suggest all the claim elements of

the present invention—Applicants therefore request that the rejection against Claims 3 and 10 under 35 U.S.C. § 103(a) be withdrawn.

Regarding Claim 7:

Claim 7 has been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of Brett (U.S. Patent No. 5,850,471).

In regard to the third criteria (that the prior art references or combination of references must teach or suggest all the claim elements), Applicants respectfully submit that nowhere does Ubillos or Brett, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system. In contrast, Claim 7, which depend upon Claim 1 discussed earlier herein, inherits from Claim 1 “a host operating system suitable for displaying a graphical user interface” and “multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system” (page 16, lines 3-5).

Since neither Ubillos nor Brett, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system—and thus fail to teach or suggest all the claim elements of the invention disclosed in Claim 7—Applicants therefore request that the rejection of Claim 7 under 35 U.S.C. § 103(a) be withdrawn.

Regarding Claim 11:

Claims 11 has been rejected by the Examiner under 35 U.S.C. § 103(a) as unpatentable over Ubillos (U.S. Patent No. 5,999,173) in view of Mowers et al. (U.S. Patent No. 5,101,354).

In regard to the third criteria (that the prior art references or combination of references must teach or suggest all the claim elements), Applicants respectfully submit that nowhere does Ubillos or Mowers, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system. In contrast, Claim 11 pertains to a “host computer system” and “multiple emulated computer systems” (page 18, lines 1-4) which, as disclosed in the Specification, comprise a host operating system and emulated operating systems (page 2, line 27 through page 3, line 11).

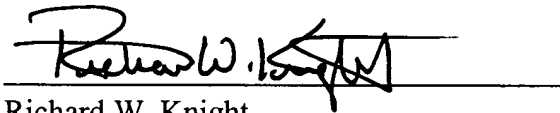
Since neither Ubillos nor Mowers, separately or in combination, suggest or teach a host operating system suitable for displaying a graphical user interface and multiple emulated operating systems for virtual machines being emulated by one or more emulator programs running on the host operating system—and thus fail to teach or suggest all the claim elements of Claim 11—Applicants therefore request that the rejection against Claims 11 under 35 U.S.C. § 103(a) be withdrawn. Moreover, Applicants further request that new Claims 13-16, which depend on Claim 11, also be allowed to issue as claims dependent upon an allowable claim.

CONCLUSION

Based on the reasons and rationale set forth herein, Applicants respectfully submit that the objections and rejections have been overcome and, accordingly, Applicants request that the objections and rejections be withdrawn and that the claims be allowed to issue. Should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1394.

Respectfully submitted,

Date: June 26, 2003

A handwritten signature in black ink, appearing to read "Richard W. Knight", is written over a horizontal line.

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